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In re Application of:
Masahiro Matsuo
Application No. 09/699,402
Filed: October 31, 2000
For: Network Apparatus for Accessing Services
over a Network

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed October 7, 2008 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final rejection mailed October 3, 2008.

The Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to the Final Office Action October 3, 2008. In the petition, Applicant's counsel alleged that the finality of the office action was improper because the Examiner introduced a new ground of rejection in the Final Office Action that was neither necessitated by applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement. The petitioner alleges that the non final action relied on Ballantyne to teach the claimed "main device determines whether the second display displays the obtained information based on the display switching signal sent from the remote controller device" whereas the final relied on Russell-Falls to teach this unamended feature.

A review of the file indicates that no IDS was submitted to cause the new grounds of rejection and that the amendment filed does not justify the new grounds of rejection, therefore the finality of the October 3, 2008 office action is improper and hereby withdrawn. The December 29, 2008 response will be treated as a response to a non final office action and the examiner will act upon the response in due course.

Accordingly, the petition is **GRANTED**.

Any inquiry concerning this decision should be directed to Tod Swann at (571) 272-3612.

Tim Callahan
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